

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MARCEL MALACHOWSKI,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-20-445-G
)	
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

Petitioner Marcel Malachowski, a federal prisoner, initiated this action by submitting a petition for writ of habeas corpus under 28 U.S.C. § 2241. *See* Pet. (Doc. No. 1). In accordance with 28 U.S.C. § 636(b)(1), the matter was referred to Magistrate Judge Shon T. Erwin for preliminary review.

On December 14, 2020, Petitioner filed a “Motion to Voluntarily Dismiss § 2241 Petition,” requesting that his Petition be dismissed. *See* Doc. No. 27. On December 31, 2020, Judge Erwin issued a Report and Recommendation (“R. & R.,” Doc. No. 28) recommending that the Motion be granted and that this action be dismissed without prejudice. In the R. & R., Judge Erwin advised Petitioner of his right to object to the Report and Recommendation by January 19, 2021. Judge Erwin also advised that a failure to timely object would constitute a waiver of the right to appellate review of the factual findings and legal conclusions contained in the R. & R.

The R. & R. has been mailed to Petitioner at three separate facilities, and there is no indication on the docket that any mailing was not received. As of this date, Petitioner has

not submitted any objection to the R. & R. or sought leave for additional time to do so.

CONCLUSION

Accordingly, the R. & R. (Doc. No. 28) is ADOPTED in its entirety. Petitioner's Motion to Voluntarily Dismiss § 2241 Petition (Doc. No. 27) is GRANTED, and this matter shall be and is DISMISSED WITHOUT PREJUDICE. This disposition renders all other pending matters MOOT.

IT IS SO ORDERED this 11th day of March, 2021.



CHARLES B. GOODWIN
United States District Judge